

WEDNESDAY, January, 9th, 1856.

The Senate was called to order by the President, pursuant to adjournment. Prayer by the Chaplain—roll called—quorum present.

The Journal of yesterday was read and adopted.

Mr Taylor of Fannin, presented the petition of Thos. P. Ailes and Mary Lovett; referred to a select committee of three, composed of Messrs. Taylor of Fannin, Potter and Armstrong.

A message was received from the House, informing the Senate that the House had passed a bill supplementary to an act to incorporate the town of Lagrange, in the county of Fayette, and a bill to authorize and require the county court of the county of Brazoria, to establish, discontinue and regulate public and private roads in said county, and to cause public roads and bridges to be constructed and kept in good repair, originating in the House. Also, a bill originating in the Senate to incorporate the town of Chappell Hill.

ORDERS OF THE DAY.

A bill prohibiting the commissioner of the general land office issuing patents for the benefit of the Texian emigration and land company for land lying in Peter's Colony, taken up.

Mr Armstrong offered as a substitute for the bill,

A bill to restrain the commissioner of the general land office from issuing patents for the benefit of the Texian emigration and land company, or Peter's Colony contractors to enable the parties to bring suit.

On motion of Mr Taylor of Fannin, the previous question was ordered by the following vote:

YEAS—Messrs. Allen, Doane, Flanagan, Hill, Hord, Lott, McCulloch, Palmer, Potter, Scarborough, Superviele, Taylor of Cass, Taylor of Fannin, Taylor of Houston, and Whitaker—15.

NAYS—Messrs. Armstrong, Bryan, Burroughs, Caldwell, Guinn, Martin, Maverick, Millican, Pirkey, Russell, Truit, Weatherford, White and Wren—14.

The question being on the engrossment of the Bill, the Senate refused to engross it by the following vote:

YEAS—Armstrong, Burroughs, Guinn, Martin, Millican, Russell, Truit, Weatherford, White and Wren—10.

NAYS—Messrs. Allen, Bryan, Caldwell, Doane, Hill, Hord, Lott, McCulloch, Maverick, Palmer, Pedigo, Pirkey, Potter, Scarborough, Superviele, Taylor of Cass, Taylor of Fannin, Taylor of Houston, and Whitaker.—19.

Mr Taylor of Cass, chairman of the committee on public debt, made the following report:

The committee on public debt, to which was referred a joint resolution authorizing a vote of the people to be taken on the act of Congress, concerning the debt of the late Republic of Texas, have considered the same, and although the committee would much prefer this subject to be referred to the people, than for the act of Congress to be accepted by the present legislature, yet after the vote of the Senate upon the engrossment of the debt bill, we can see no use for action upon the joint resolution until the fate of that bill is determined. I am therefore instructed by the committee, to recommend that the joint resolution lie on the table.

Mr Taylor of Oass, chairman of the select committee, made the following report :

The select committee to which was referred a bill supplemental to the first section of "an act of limitations," have carefully considered the same.

The bill evidently contemplates commercial non-intercourse with the State of Massachusetts. It is based upon the inherent principle of self-preservation which applies alike to States in their federal relations as to individuals in their formation of civil government. This principle is natural and divine and is paramount to all human authority and conventional restraint.

The States were confederated for mutual interest and advantage. While certain powers were delegated to the general government, certain rights were reserved by the compact of Union, which cannot be impaired, either by the Federal Government, by a State or combination of States. Among these reserved rights is the institution of Slavery; which is based alone, upon the sanction of State sovereignty.

When therefore, one or more States attempts in solemn legislative action, to destroy this institution in other States, sets at naught all the rights incident thereto and refuses to be governed by the laws of Congress, protecting these rights, such mild means should be used as will most effectually restore the object of confederation, to-wit: Mutual interest and advantage. This object defeated and the Union at once resolves itself into its original elements, entailing calamities and consequences too horrible for contemplation.

Then it behooves the Southern States whose rights have been assailed and wantonly disregarded, to act with unanimity and firmness, in the resistance of that aggressive, unauthorized and suicidal spirit, which has actuated Massachusetts in solemn legislative assembly, to wage a crusade upon their reserved rights. So long as this refractory member, in common with other non-slaveholding States prated against our reserved rights, just so

long was silence or simple remonstrance, on the part of the South expedient and proper. But when she legislates upon our rights, bids defiance to the laws of Congress and devises ways and means for the abolition of Slavery, then forbearance ceases to be a virtue, and self-preservation compels resistance.

No argument is needed to show that she is the beneficiary of slave labor. The most convincing argument to her, and one which will, in the opinion of the committee, be most effectual in restoring harmony and reciprocity, will result from the practical operation of the bill under consideration. I am therefore instructed by a majority of the committee to report the same back to the Senate, with the amendments hereto annexed, and to recommend their adoption and passage of the bill.

Amendments.—1st. Amend the caption by adding thereto, the words “passed February 5th, 1841.”

2nd. In section 1st, ninth line, after “Massachusetts,” insert the words “purchased in any other State.”

Mr Lott, chairman of the committee on the Penitentiary, to which was referred a bill to provide for the purchase of a site and erection of a store and warehouse, and for other purposes, reported the same back and recommended its passage.

On motion of Mr Palmer, the rule was suspended, bill taken up, read and ordered to be engrossed.

On motion of Mr Palmer, the rule was further suspended, bill read a third time and passed.

Mr Allen, chairman of the committee on enrolled bills, made the following report :

The Joint committee on enrolled bills have examined the following bills, viz :

A bill making an appropriation for the per diem pay and mileage of the members of the sixth Legislature, and the per diem pay of the officers of the same.

A bill to incorporate the town of Cameron, in the county of Milam.

A bill supplementary to an act to change the sixth and ninth Judicial Districts and to define the time of holding courts therein. And

A bill to incorporate the Texas and New Orleans Telegraph company, and find them correctly enrolled, properly signed and were this day presented to the Governor.

Mr Flanagan offered the following resolution :

Resolved, That the finance committee be requested to obtain from the Comptroller, copies of all the vouchers upon which any and all amounts of money have been paid for transcribing the Journals of the Congress of the Republic and of the Legis-

latures of the State of Texas, under the provisions of an act passed the 16th day of February 1852, and that they report the result of their enquiries to the Senate as early as practicable—adopted.

Mr Martin, introduced a bill to incorporate the town of Athens in the county of Henderson; read first and second times and referred to the committee on the Judiciary.

Mr Maverick introduced a bill supplemental to an act to incorporate the San Antonio and Mexican Gulf Rail Road company, approved September 5th, 1850, and the supplements thereto; read first and second times and referred to the committee on Internal Improvements.

On motion of Mr Lott, a bill to provide for the payment of the six companies of mounted volunteers mustered into the service of the State of Texas, on the first day of November 1854, and to provide for the payment of balance of expenses incurred by said companies, was taken up and read.

Mr Flanagan offered the following amendment:

Strike out "fifty dollars" wherever it occurs, and insert "one hundred dollars"—rejected.

The bill was then passed to a third reading by the following vote:

YEAS—Messrs. Allen, Armstrong, Doane, Guinn, Hill, Lott, McCulloch, Maverick, Palmer, Pedigo, Pirkey, Potter, Russell, Scarborough, Superviele, Taylor of Cass, Taylor of Fannin, Taylor of Houston, Trait, Weatherford, Whitaker and White—22.

NAYS—Messrs. Bryan, Burroughs, Grimes, Martin, Millican and Wren—6.

On motion of Mr Lott, the rule was further suspended, bill read third time and passed.

A message was received from the Governor, transmitting the following communication:

EXECUTIVE OFFICE, }
Austin, Jan. 9th, 1856. }

Gentlemen of the Senate,

and House of Representatives:

I transmit herewith, for your information, a report from the Attorney General, Comptroller of public accounts and Secretary of State, of their proceedings as Commissioners, under an act passed by the last legislature and approved February 11th, 1854, entitled "an act supplemental to an act entitled an act concerning the Archives of the Legislature," approved Feb. 11th, 1852. An examination of this report will show that the recording of the Senate Journals has been completed and approved

by these Commissioners, but that no portion of the House Journals have yet been presented to them for their examination and approval. It remains for your honorable bodies to decide what further measures are necessary to ensure the completion of this work.

E. M. PEASE.

On motion of Mr Guinn, the communication was referred to the committee on finance.

The Governor also transmitted to the Senate the report of E. M. Pease, James B. Shaw, and Jas. H. Raymond, Commissioners for superintending the completion of the Capitol.

On motion of Mr Guinn, the report was referred to the committee on public buildings.

On motion of Mr Taylor of Cass, the Senate adjourned until 3 o'clock, P. M.

3 O'CLOCK, P. M.

Senate met—roll called—quorum present.

A message was received from the House, informing the Senate that the House had passed a bill, originating in the Senate, amending and supplementary to an act amending and supplementary to an act to incorporate the Henderson and Burkeville Railroad company, approved January 27, 1854, with amendments.

On motion of Mr Whitaker, the bill was taken up.

On motion of Mr Palmer, it was postponed until Tuesday the 15th inst.

Mr Allen, chairman of the committee on enrolled bills, made the following report:

The Joint committee on enrolled bills have examined a bill for the relief of Ira B. Dement, and a bill to re-organize the 8th Judicial District and define the time of holding courts therein, and find the same correctly enrolled, properly signed and this day presented to the Governor.

A bill making appropriations for the improvement of the navigation of the rivers of the State, together with the report of the committee on Internal Improvements offering a substitute therefor, was read.

On motion of Mr Taylor of Cass, the report was laid on the table.

Mr Burroughs offered a substitute for the bill, which was adopted.

On motion of Mr Burroughs the bill was amended by striking out "\$50,000" in 5th line, and inserting "\$40,000."

Mr Burroughs moved to amend by striking out "\$50,000" in 5th line and inserting "\$40,000" for the Trinity river.

Mr Weatherford moved to amend the amendment by adding: "Provided that \$20,000 of said appropriation shall be expended above Magnolia on said river"—rejected.

The amendment offered by Mr Burroughs was then adopted.

On motion of Mr Burroughs, the bill was amended by striking out "\$40,000" in the 11th line and inserting "30,000."

Mr Burroughs moved to amend by striking out \$8,000, in the 17th line and inserting \$12,000—carried.

On motion of Mr Burroughs it was amended by striking out "\$40,000" in the 23rd line and inserting "\$30,000."

Mr Burroughs offered the following amendment:

Strike out "that the sum of two thousand dollars be and the same is hereby appropriated to the improvement of the navigation of the Gaudalupe river," and insert: "That the sum of eighteen thousand dollars be, and the same is hereby appropriated to the improvement of the navigation of the Guadalupe and San Antonio rivers, provided, that the sum of ten thousand dollars, or so much thereof as may be necessary, shall be expended below the junction of the San Antonio and Guadalupe; and the remainder to be equally expended on the Guadalupe and San Antonio, above the junction, under the provisions of the act."

Mr McCulloch moved a division of the question—carried; and the motion to strike out, carried.

Mr McCulloch offered the following amendment, as a substitute for Mr Burrough's amendment:

"That the sum of twenty-six thousand dollars be appropriated to the Guadalupe and San Antonio rivers, ten thousand dollars of which, or so much thereof as shall be necessary, shall be expended below the junction of the two rivers and that the balance of the appropriation shall be divided between the two rivers equally in opening them above their junction, and that one board of Commissioners for the Guadalupe and San Antonio rivers shall be appointed"—rejected.

Mr Burrough's amendment was then adopted.

Mr Grimes offered the following amendment, to come in after the words "Trinity river:"

"That the sum of eight thousand dollars be appropriated for the improvement of the navigation of the San Jacinto river, to be under the control of the board of Commissioners, to be appointed for the Trinity river"—rejected.

Mr Burroughs offered the following amendment:

"That the sum of twenty thousand dollars be, and the same is hereby appropriated to the construction of a canal uniting the waters of the Brazos, Bernard and Cany rivers, near the mouths of said rivers, the work on the same to commence at the Brazos river"—adopted.

Mr Lott offered the following amendment:—"And that the sum of ten thousand dollars be appropriated to clean out the Little Cypress river"—rejected.

Mr Taylor of Fannin, offered the following amendment:

"That the sum of \$40,000 be appropriated to Red River to be used above the point where said river enters the State of Arkansas."

On motion of Mr Russell, the Senate adjourned until 10 o'clock to-morrow morning.

THURSDAY, January 10th, 1856.

The Senate was called to order by the President, pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The Journal of yesterday was read and adopted.

Mr McCulloch presented the petition of Robert Cassin and William A. Tenneson for relief—referred to the committee on Public Lands.

Mr Potter presented the petition of J. Douglass Brown—referred to the committee on Public Lands.

Mr Hill, chairman of the committee on Claims and Accounts, made the following reports:

The committee on Claims and Accounts, to which was referred the House bill for the relief of Kindallis Bryan, Sheriff of Liberty county, have duly considered the same, and instruct me to report the same back, recommending its passage with the following amendment:

Strike out in the fifth line, the words "ninety-three," and insert "forty-eight."

The bill proposes to grant extra pay to said Sheriff for conducting four convicts to the Penitentiary at one time, in doing which, he felt it his duty to employ an extra guard to prevent a rescue of the convicts from his custody. He also claims separate mileage for each convict, at (\$2 50) two dollars and fifty cents for every thirty miles traveled, allowing pay for the extra guard, and one mileage to the Sheriff, leaves the sum of forty-eight dollars.

The committee entertain some doubt as to the legality of granting relief in such cases, but as the Legislature have seen fit to grant relief in other cases, they see no reason why the same justice should not prevail, and the same relief be granted in his case.

The committee on Claims and Accounts, have mutually considered the petition of A. M. Clare, asking pay for loss of prop-